

**California Highway Patrol  
PUBLIC CONTACT DEMOGRAPHIC DATA SUMMARY  
REPORT TO THE GOVERNOR**

**INTRODUCTION**

During the past several years, allegations of racial profiling by police officers have been reported by the press. It has brought to nationwide attention the importance of determining the extent that public perception may or may not reflect an actual problem. "Racial profiling" is defined for this report as occurring when a police officer initiates a traffic or investigative contact based primarily on the race/ethnicity of the individual.

In 1998 and 1999, the Department reviewed historical arrest and enforcement data and found that CHP enforcement was roughly proportional to the state's ethnic population. However, the Department realized that since it did not routinely collect race/ethnicity data from its motorist contacts, it could not disprove claims of racial profiling.

In February 1999, CHP drug canine officers began collecting race/ethnicity information from their traffic stops. Then, on July 1, 1999, the CHP began a proactive effort to collect data on race/ethnicity, gender, and age for all traffic enforcement contacts statewide. This initial collection of demographic data did not include the outcome of the enforcement stop (e.g., arrest, citation), information on drivers involved in collisions, or information from non-enforcement contacts (called motorist services), such as drivers asking for directions or drivers of disabled vehicles.

In December 1998, Senator Kevin Murray, D-Los Angeles, introduced Senate Bill (SB) 78 to require all California law enforcement agencies to collect ethnic data involving police enforcement contacts (Annex A). Governor Davis vetoed the bill in September 1999, questioning whether the information gathered, at a potential cost of tens of millions of dollars, would provide any more meaningful information than what was currently available. However, he directed the CHP to implement a three-year project to collect specified data for its enforcement contacts. Governor Davis also invited local law enforcement agencies to participate in the project. The CHP was requested to provide this data to the Legislature and the public on an annual basis beginning January 2001, with a final report to be submitted no later than January 31, 2003. The Governor's directive is contained in Annex B.

Although not mandated to provide a report until January 2001, the CHP Commissioner directed the preparation of a report covering the time period from July 1, 1999, to April 30, 2000. Subsequent reports will cover the period May 1<sup>st</sup> through April 30<sup>th</sup>.

This report presents an overview of the Department of the CHP, information describing the events that led to this report, the data collection methodology

and data analysis employed, findings, and statistical information submitted by other law enforcement agencies.

Covering the first ten months of the CHP's demographic data collection effort, data from over 2.6 million public contacts were collected and analyzed. This report will show that CHP officers do not engage in racial profiling.

## REPORT OBJECTIVE

This report is designed primarily to lay a foundation for discussing the topic of selective enforcement based on race/ethnicity. It will present a body of information that describes the CHP's mission, policy, and procedures designed to improve traffic safety and assist the motoring public. It will also describe the CHP's initial efforts to quantify the composition of traffic stops made from July 1, 1999, through April 30, 2000. Future reports may provide a more comprehensive review of demographic data collection efforts from the CHP.

## OVERVIEW OF THE CALIFORNIA HIGHWAY PATROL

The California Highway Patrol is a department in state government within the Business, Transportation and Housing Agency. Created in 1929, it is the largest traffic law enforcement organization in the nation, with over 6,700 uniformed and over 3,300 nonuniformed employees.<sup>1</sup> In 1998, the

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<sup>1</sup> State of California, CHP Monthly Personnel Staffing

CHP was responsible for providing service to 20.7 million licensed drivers that drove 23.2 million registered vehicles approximately 290.5 billion vehicle miles in a state that had 33.5 million residents.<sup>2</sup> NOTE: 1998 is generally the last full year that most statewide data are available.

## Organization

The chief executive officer of the CHP, known as the Commissioner, is appointed by the Governor and confirmed by the Senate to oversee all departmental operations. The Commissioner is assisted by a Deputy Commissioner.

The Commissioner is concerned about and sensitive to the needs of all segments of the community served by the CHP. To stay in touch with the communities he serves and effectively lead the Department, the Commissioner has enhanced his ability to understand and work responsively with California's diverse communities. To that end, several specialized departmental units or programs report directly to the Commissioner and Deputy Commissioner.

- The Community Outreach Unit manages programs to establish trust, assess the diverse communities' needs, educate the public, and promote traffic safety issues.

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Report

<sup>2</sup> State of California, CHP Annual Report of Fatal and Injury Motor Vehicle Traffic Accidents, p. 4

- The Citizen Oversight Committee is an advisory body, reflective of the state's diverse population. They study issues of concern to the public, evaluate them and make recommendations regarding the Department's policies and procedures. Past topics have included equal employment opportunity within the CHP and concerns about the use of force by officers.
- The Commissioner's Cadre is a group of specially trained managers and supervisors, also reflective of the state's population, organized to be available as needed regarding issues of discrimination.
- The Office of Equal Employment Opportunity is responsible for the Department's fair and equitable hiring practices and the handling of discrimination complaints.
- The Internal Affairs Section reviews citizens' complaints and monitors both employee and departmental complaint trends.

Through these offices and processes, the Commissioner is kept informed about public concerns, the Department's current activities, and emerging issues.

Under the Commissioner and Deputy Commissioner are two Assistant Commissioners. One oversees all staff-related operations and another oversees all field operations.

Staff operations are divided into four headquarters Divisions and two specialized offices. These Divisions and offices represent the personnel, training, administrative services, regulatory, planning, research, and information management functions of the Department.

For field operations, the state is divided into eight field jurisdictions, called Divisions, which are further divided into 130 field Area offices, commercial vehicle inspection facilities, and communications centers. Division staffing varies considerably, generally based on population.<sup>3</sup>

As an example, the CHP Northern Division generally comprises the northern quarter of the state. In this little-populated, mountainous, forested Division, there are 676 uniformed and nonuniformed CHP staff that perform the Department's mission. Conversely, 1,605 uniformed and nonuniformed staff are allocated in the CHP Southern Division, which wholly encompasses the heavily-populated Los Angeles County.<sup>4</sup>

The basic organizational structure of the Department is illustrated in Annex C.

### Mission

The mission of the CHP is to ensure safety and provide service to the motoring public as they utilize the highway transportation system and to

<sup>3</sup> State of California, CHP General Order 21.1, p. 3

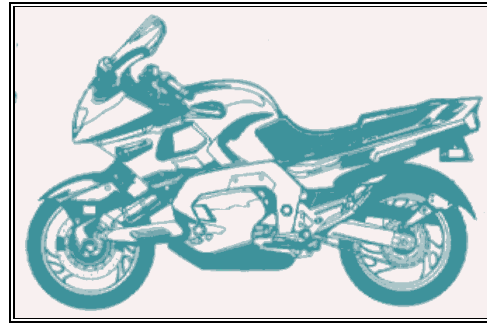
<sup>4</sup> State of California, CHP Monthly Position Count

assist local government during emergencies when requested.<sup>5</sup> The CHP performs its mission on all freeways in the state, as well as on all streets and highways in the unincorporated areas of the state. In 1998, this responsibility totaled 103,442 miles of state highways and county roads within CHP's jurisdiction.<sup>6</sup>

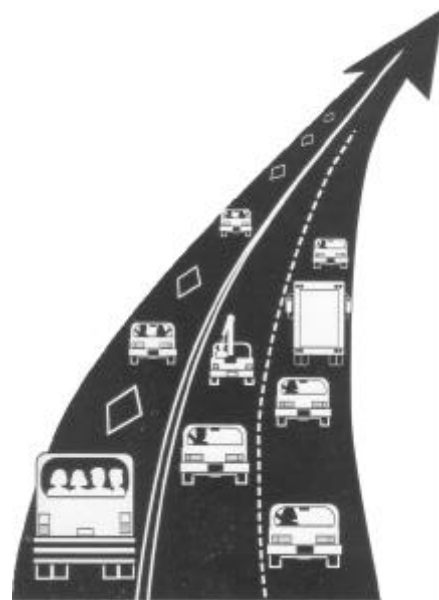
### Major Programs

The Department performs a variety of law enforcement services, including enforcing provisions of the California Vehicle Code, commercial vehicle enforcement and regulation, and protective services for state officials, employees, and facilities. To help accomplish these activities, the CHP has implemented numerous major departmental programs, such as:

- *Motorist safety* programs, like motorcycle safety, child safety seats, "Cool Commuter" aggressive driver campaign, and the "Buckle Up" safety belt education and enforcement campaigns. These programs are designed to reduce the severity of injuries and deaths resulting from collisions.



- *Transportation Management Centers*, a joint effort with the California Department of Transportation (Caltrans), to monitor traffic conditions and apprise motorists of traffic problems.
- *Congestion relief* on the state's major metropolitan freeways to increase the orderly flow of traffic, especially during peak commute hours.



- *Farm labor transportation safety* to reduce the severity of injuries to

<sup>5</sup> State of California, CHP General Order 0.1, p. 1

<sup>6</sup> State of California, CHP 1999 Fact Sheet, p. 1

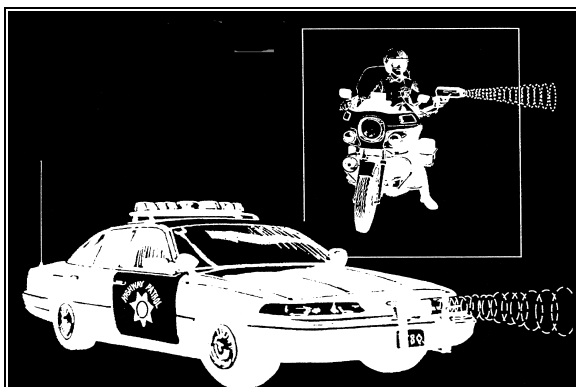
farm workers caused by unsafe farm labor transportation vehicles.

- *Protective and safety services* to provide dignitary protection, personal protection of the Governor, court services, and law enforcement services to the public and state employees in state facilities.
- *Driving under the influence (DUI)* checkpoints, task forces, and Sober Graduation Program to reduce the incidence of collisions and deaths caused by intoxicated drivers.



- *Commercial vehicle program - facilities, licensing, and regulation* to enhance safety through commercial vehicle inspections, special enforcement programs, licensing, and regulation.

- *Radar, aircraft, and other speed enforcement* campaigns to reduce speed-related collisions.



- *Departmental aid to allied agencies to assist them during emergencies that exceed their capabilities.*



- *Vehicle theft reduction and recovery to combat the vehicle theft problem.*



- *Drug interdiction programs like Operation Pipeline, Campaign Against Marijuana Planting, and drug detection canines to quell the influx of illegal drugs into California. Annex D contains more information on these programs.*

- *Abandoned vehicle abatement to remove abandoned vehicles that create a public nuisance and health or safety hazard.*



The aforementioned programs describe the depth and breadth of the CHP's involvement in activities that impact overall traffic safety.

### Training

CHP Cadets receive over 1,000 hours of training over a six-month period in the CHP Academy, including diversity training, Vehicle Code and Penal Code laws and regulations, emergency driving techniques, criminal and collision investigation, physical methods of arrest, weapons, and numerous other courses. All CHP officers receive extensive initial and refresher training for routine patrol functions, in addition to in-depth training for the aforementioned specialized programs, when applicable.

Further, all officers receive quarterly, annual, and biennial refresher training on officer safety, emergency response, search and seizure, case law, pursuits, and diversity training, etc. This training requires that traffic stops and investigations be based on probable cause and strict adherence to statutory and case law. In addition to legislative

statute, the Department exercises high internal standards that require additional, comprehensive training programs. CHP officers receive an average of 12 hours of training each month.<sup>7</sup> This ensures that all officers are proficient with the knowledge, skills, and abilities necessary to protect life and property on the highways in California.

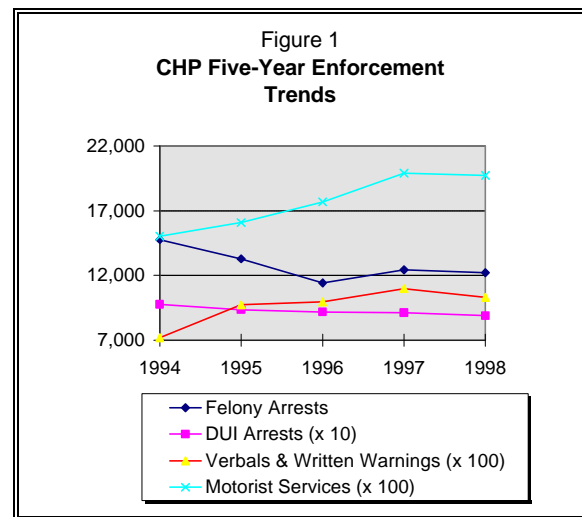
### Enforcement and Safety Statistics

Through training and an intense commitment to providing superlative service to the motoring public, the CHP's efforts have resulted in some notable enforcement and safety statistics.

In 1998 alone, CHP officers provided over two million services to motorists who needed assistance with their disabled vehicles and/or needed some type of information. Officers issued 2,235,449 citations to people for various violations. They also made 12,203 felony and 89,079 DUI arrests. They investigated 206,000 collisions and gave 842,000 verbal warnings and 188,810 Notices to Correct for correctable mechanical violations (e.g., inoperable headlights). The Department expended over 4.3 million hours of patrol, enforcement, and service-related activity in accomplishing its mission in 1998.<sup>8</sup>

Although the California population continues to grow at a fast pace (from 30 million in 1990 to 33.5 million in 1998), CHP enforcement and education measures are having a positive impact

on traffic safety. For example, as shown in Figure 1, over the five-year period, verbal warnings, Notices to Correct, and motorist services had increased in 1998 over 1994 numbers, whereas felony and DUI arrests had decreased over the same time period.



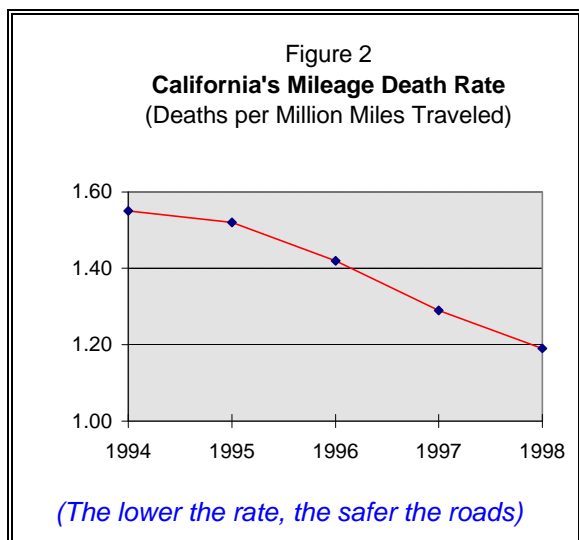
The CHP's extensive traffic safety efforts have helped to drastically lower the state's mileage death rate (MDR) from 1.55 in 1994 to its historical low of 1.19 in 1998, as shown in Figure 2 (from 4,212 persons killed in traffic collisions in 1994 to 3,459 killed in 1998).<sup>9</sup>

The MDR is one of the most widely used indicators of overall traffic safety throughout the nation. It measures the number of traffic deaths per one hundred million vehicle miles of travel (VMT). The MDR indicates the overall safety of a roadway.

<sup>7</sup> State of California, CHP Staffing and Workload Study, p. 5

<sup>8</sup> State of California, CHP Commanders Monthly Summary Report

<sup>9</sup> State of California, CHP Annual Report of Fatal and Injury Motor Vehicle Traffic Accidents, p. 4



California's low MDR is partly due to the CHP's vigorous enforcement of safety belt laws. Compliance in California is among the highest in the nation with 89.2 percent of motorists regularly wearing their safety belts, as of November 1999.<sup>10</sup>

<sup>10</sup> State of California, CHP Occupant Restraint Statistics



## THE IMPORTANCE OF TRAFFIC LAW ENFORCEMENT

Our society has become much more mobile than that of a generation ago. Unfortunately, not all types of travel result from commuting to and from work, shopping, or recreating. Vehicles are also being used in criminal activities to travel to and from crime scenes, transport stolen goods and property, and transport illegal drugs.<sup>11</sup> Because of this, society has determined the need for policing to thwart crime. The American Heritage Dictionary defines a police force as “a body of persons trained in methods of law enforcement and crime prevention and detection, and given authority to maintain the peace, safety, and order of the community.”<sup>12</sup>

Traffic laws are safety rules designed to ensure the efficient, collision-free flow of vehicles on roadways. Thus, the purpose of traffic law enforcement is to protect persons from injury and prevent property damage on highways.

Traditionally, traffic law enforcement has been used to remove unsafe vehicles and drivers from our roadways. It continues to be a significant method of preventing traffic-related fatalities and also of deterring crime. In general, traffic collisions are a more frequent cause of death and injury than are violent crimes.<sup>13</sup> Therefore, traffic law enforcement increases overall public safety. Traffic law enforcement provides

opportunities for officers to proactively observe and investigate individuals and situations that can lead to the prevention or detection of a criminal act or the apprehension of a wanted criminal.<sup>14</sup> Officers are trained to look beyond the reason for the initial traffic stop and to be alert for evidence of other criminal activity. As a result of traffic stops, CHP officers have seized illegal firearms and drugs, arrested felony suspects wanted for such crimes as robbery and homicide, and recovered stolen property.

To combat a specific crime problem, increased traffic law enforcement may be used. For example, this policing technique was successfully utilized in East Palo Alto, California, to reduce crime levels, resulting in an 86 percent reduction in homicides and 28 percent reduction in robberies between 1992 and 1993. Officials from the CHP, East Palo Alto, and other involved agencies believed the most significant contributing factor to the positive results was the increased visibility of law enforcement in the area.<sup>15</sup>

In fulfilling the CHP's mission of safety and service, the Department uses the basic traffic enforcement method of “in-view” patrol.<sup>16</sup> In-view patrol means the officer is required to maintain a position of visibility, as opposed to concealment to catch law-breakers. This policy of in-view patrol is based on

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<sup>11</sup> State of California, CHP Crime, Traffic and Regional Policing, p. 9

<sup>12</sup> American Heritage Dictionary, p. 959

<sup>13</sup> State of California, CHP Crimes, Traffic and Regional policing, p. 15

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<sup>14</sup> State of California, CHP Crime, Traffic and Regional Policing, p. 14

<sup>15</sup> State of California, CHP Crimes, Traffic and Regional Policing, pp. 15-17

<sup>16</sup> State of California, CHP Traffic Enforcement Policy Manual, p. 1

the premise that people do not generally violate the law when they know they are being observed by officers. This strategy is also in accord with legislative intent. While patrolling the highways in an in-view capacity, CHP officers are readily available to offer services to those in need of assistance. Every action taken by an officer of the Department is to be governed by sound professional judgment, in accordance with the Department's mission.

The Department's Traffic Enforcement Policy Manual constitutes policy designed to direct enforcement toward collision and congestion-causing violations. CHP officers are expected to take appropriate enforcement action for all violations of the law witnessed. All actions shall be accomplished in a businesslike, firm, impartial, courteous, and consistent manner, either by a physical arrest, or issuing a citation, Notice to Correct, or verbal warning.<sup>17</sup>

## DRUG INTERDICTION

Some people have the perception that alleged racial profiling by police is the consequence of the escalating war on drugs. The American Civil Liberties Union (ACLU) maintains that state troopers are still using a race-based drug courier profile that was initially developed in 1985 by the Florida Department of Highway Safety and Motor Vehicles for drug couriers.<sup>18</sup>

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<sup>17</sup> State of California, CHP Traffic Enforcement Policy Manual, p. 3

<sup>18</sup> Harris, David, p. 5

Let us look briefly at the history of the war on drugs. During the early 1980's, the common drug transportation modes were maritime, air, and commercial truck transportation. Due to interdiction efforts by the Drug Enforcement Administration (DEA), in conjunction with the United States Coast Guard and United States Customs predominately on the East Coast, drug couriers were forced to find alternative modes of transportation. In cooperation with the DEA, drug interdiction efforts turned from maritime and air to a greater number of smaller loads transported via ground vehicles. There was also a shift in smuggling from the southeast area of the United States to the southwest portion of the country. DEA Congressional testimony indicated that "recent estimates indicate that approximately 55 percent of the cocaine available in the United States is transported across the United States-Mexico border." Additionally, "reporting indicates that the southwest border remains a major point of entry for approximately 70 percent of all illicit drugs smuggled into our country by Mexican trafficking groups."<sup>19</sup>

With the violent nature of the illicit drug trade, the Department felt a significant concern for the unsuspecting officer conducting a "routine" traffic stop when in fact the motorist may have been an armed drug courier. Thus, in 1988, in the interest of officer safety, the Department began a statewide drug interdiction training program known as "Operation Pipeline." This initial training was provided to all CHP

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<sup>19</sup> Ledwith, William E., pp. 3, 4

officers statewide and taught by the DEA. A Federal grant in 1991 started the Commercial Operators Narcotic Enforcement Team (CONET) Program - a focused interdiction program targeting commercial vehicles carrying large drug loads. In October 1995, the CONET Program ended as a result of changing trends in drug courier strategies.

Early in the 1990s, drug couriers were no longer risking large loads of drugs. Rather, they were transporting a greater number of small loads in inconspicuous passenger vehicles, secreting drugs in hidden compartments within the vehicle. Accordingly, law enforcement strategies changed as well. Drug interdiction training and focus turned from commercial vehicles to the passenger vehicle couriers. More enforcement emphasis was placed on couriers bringing drugs into California via the Mexican border up through south-north freeway corridors, like Interstate 5 to Oregon, and east-west freeway corridors, like Interstate 10, to and from other states.

Initial Operation Pipeline training was conducted by the Department in conjunction with the DEA and the California Department of Justice Bureau of Narcotic Enforcement (BNE). Early in 1995, the Department began developing its own statewide training program. Training included four-hours for cadets and a 24-hour and a 32-hour course for incumbent officers. Training topics included: search and seizure laws, recent case laws, detention, consensual search encounters, investigative detention, reasonable suspicion, trafficking indicators (vehicle and

personal), conducting vehicle searches (mechanics), report writing, court room testimony, and the source countries for drugs.

It is important to note that profiling based on race is against CHP policy. The Department's Drug Programs Manual clearly states that profiling is illegal<sup>20</sup> and officers are taught not to use racial profiles during drug interdiction activities. CHP training teaches that traffic stops and investigations shall be based on adherence to the requirement for probable cause and strict adherence to statutory and case law.

The Department has made a meaningful contribution towards removal of illegal drugs from our highways. As an example, as a result of the Canine Program, from 1996 through 1998, departmental canine teams seized 67,011 pounds of illicit drugs having a street value of \$629 million. The interdiction of these mind-altering substances has a significant social impact in lives saved from drug-induced violence and traffic collisions (Annex D).

## **CHP EFFORTS TO IMPLEMENT THE DATA COLLECTION PROJECT**

As the result of accusations made against law enforcement in general, the Department recognized the importance of using statistical means to quantify or dispel allegations of racial profiling.

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<sup>20</sup> State of California, CHP Drug Programs Manual, p. 5-1

There was a sincere interest in learning whether departmental policies, procedures, or training needed to be modified to ensure that all persons were receiving equitable treatment from CHP employees. To that end, in June 1999, the Department developed a computer data entry screen for field offices and a database to capture the demographic data of CHP contacts. This Ethnicity Statistics (ESTAT) Database was a temporary, interim solution which would eventually be integrated into a new, automated timekeeping database during the subsequent years of data collection. The Commissioner directed CHP officers to begin collecting demographic data starting on July 1, 1999, a full six months before requested to do so by the Governor.

## **DATA COLLECTION METHODOLOGY**

The Department employed a number of activities to establish a methodology for this project. A review of literature was performed, the data collection process created and implemented, and a data analysis plan developed and executed. It is important to note that initially the Department started gathering data only regarding the race/ethnicity, gender, and age of enforcement contacts. This was expanded in October 1999 to capture the outcome of the contact, demographic data from motorist services, and vehicle search information. A Management Memorandum with detailed instructions on the data collection requirements was provided to all CHP commanders (Annex E). In March 2000, data collection was

expanded again to capture demographic information from traffic collisions.

### Data Collection

Daily timekeeping information is collected via the Department's CHP 415, Daily Field Record, the primary source of information regarding attendance and field activity. There are specific instructions for completing the document in the CHP 415 User's Manual. Payroll, attendance, and activity reports for CHP officers, sergeants, and other designated employees, are generated from the information gathered from the CHP 415. The CHP 415 must be completed at the end of each work shift, reviewed for accuracy by designated personnel, and key-entered into the Department's Management Information System (MIS) at the Area command level. The MIS captures and outputs data for each enforcement document or activity reported. The MIS did not capture the data needed for this report, and could not be altered to do so in a reasonable time frame, so the ESTAT database was developed. The two systems do not contain the same type of data and cannot be compared.

Officers were instructed to document demographic data about enforcement contacts as of July 1, 1999, onto a "supplemental CHP 415" which was key-entered by clerical personnel into the new input data screen and uploaded into the ESTAT database stored at CHP Headquarters in Sacramento.

In October 1999, the ESTAT database was modified to also track the outcome of the contact (i.e., in-custody physical arrest, citation, Notice to Correct for a correctable mechanical violation, verbal warning, or non-enforcement related public/motorist service). Additionally, only one entry would be made for each CHP contact in the ESTAT database, regardless of the number of enforcement actions issued.

### Data Analysis

Many of the decisions individuals make are based on their judgment of whether one thing performs better, lasts longer, or offers better value for their money. It is easy enough to show that one set of results is different from another by looking at a table or graph of the numbers, but just how significant that difference might be, is less easy to decide. Therefore, it is often easier and more practical to review “summary statistics” of an entire group of data instead of individual items.<sup>21</sup> For example, the total number of persons contacted by the CHP, the average age of persons administered some enforcement action, or the percent of Hispanics given non-enforcement related service. Frequency counts (i.e., the number of items), averages, and percentages are generally the most prevalent examples of summary statistics.

Inherent in developing a data analysis plan is determining which statistical tests to use for the specific types of data collected. Some data is quantifiable, i.e.,

consisting of a continuous stream of data values that can progress from one class to another.<sup>22</sup> Age is an example of continuous, quantifiable data where one can calculate the average or “median” (i.e., middle) age of persons contacted by the CHP. Gender and race/ethnicity, on the other hand, are examples of more discrete or categorical data variables which do not lend themselves well to most quantitative measures. Since most of the CHP’s demographic data is categorical, simple summary statistics such as frequencies and percentages were generally used in the analysis.

One of the more challenging tasks for this first year report was finding an appropriate reference population with which to determine whether the Department was profiling based on race/ethnicity. Since the CHP patrols highways in the unincorporated areas of the state and all freeways, it would be most relevant to compare our enforcement contacts with the representative race/ethnic, gender, and age breakdown of persons using these highways. Unfortunately, there are no such comparative statistics, so it was necessary to utilize county resident population estimates. Resident population has been used by other states who have collected demographic data on traffic stops.

For the first year report, statewide population estimates for the year 1999 were used from the California Department of Finance (DOF). DOF estimated the state was comprised of

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<sup>21</sup> Graham, Alan, p. 3

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<sup>22</sup> Levin, Richard, pp. 16, 39

11.3 percent Asians, 6.8 percent African-Americans, 30.4 percent Hispanics, 50.9 percent Whites, and .6 percent “Others” in 1999. These population estimates and the proportion of motorist services and collisions by race/ethnicity were used as the relevant reference populations for this report.

## FINDINGS

This report will present aggregate findings from the statewide sample. Data by race/ethnicity, age, and gender will be presented separately, as follows.

### By Race/Ethnicity

Over 2.6 million total contacts were made during the ten-month, July 1999 through April 2000, data collection period. Demographic data such as the race/ethnicity, gender, and age of the driver were collected on each individual contacted.

Contacts were categorized into five racial/ethnic groups:

- Asian (of or pertaining to the peoples of Asia, the Pacific Islands, or their descendants).
- Hispanic (of or pertaining to the language, people, descendants, or culture of Latin America).
- African-American (of or pertaining to the descendants of Africans or Africans in America).
- White (a member of the Caucasoid ethnic division, including persons

whose ancestry is indigenous to Europe, southwestern Asia, and the Indian subcontinent).<sup>23</sup>

- Other race/ethnicity (of unknown origin or not a member of one of the above groups).

As shown in Table 1 and Table 2, 2.1 million of the total CHP contacts were for some type of enforcement action (i.e., arrest, citation, verbal warning, Notice to Correct, or enforcement actions prior to October 1, 1999, when officers were not required to document the outcome of the contact).

Close to one-half million individuals (470,083) were provided non-enforcement related services, and 31,933 were involved in collisions as drivers, pedestrians, or as otherwise listed as an included party on the face page of the CHP Collision Report (excludes passengers).

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<sup>23</sup> The American Heritage Dictionary, pp.133, 183, 249, 613.

Table 1 CHP Contacts by Ethnicity						
Outcome of CHP Contact	Asian	African-American	Hispanic	Other	White	Total
Arrests	2,862	7,179	27,064	3,805	37,159	78,069
Citations	45,356	62,902	221,436	57,777	474,781	862,252
Written Notices of Correction	1,891	3,023	16,455	2,913	36,407	60,689
Verbal Warnings	14,109	25,582	75,871	13,499	179,040	308,101
Outcome not required prior to 10/1/99	38,818	63,806	217,866	51,709	455,263	827,462
Total Enforcement Contacts	103,036	162,492	558,692	129,703	1,182,650	2,136,573
Motorist Services	23,305	35,598	121,343	20,968	268,869	470,083
Collisions	2,705	2,432	7,405	2,077	17,314	31,933
Total ESTAT	129,046	200,522	687,440	152,748	1,468,833	2,638,589
Population 1999 Estimate	3,856,288	2,320,916	10,352,763	202,821	17,339,690	34,072,478

Table 2 CHP Contacts by Ethnic Percentage						
Outcome of CHP Contact	Asian	African-American	Hispanic	Other	White	Total
Arrests	3.7%	9.2%	34.7%	4.9%	47.6%	100.0%
Citations	5.3%	7.3%	25.7%	6.7%	55.1%	100.0%
Written Notices of Correction	3.1%	5.0%	27.1%	4.8%	60.0%	100.0%
Verbal Warnings	4.6%	8.3%	24.6%	4.4%	58.1%	100.0%
Outcome not required prior to 10/1/99	4.7%	7.7%	26.3%	6.2%	55.0%	100.0%
Total Enforcement Contacts	4.8%	7.6%	26.1%	6.1%	55.4%	100.0%
Motorist Services	5.0%	7.6%	25.8%	4.5%	57.2%	100.0%
Collisions	8.5%	7.6%	23.2%	6.5%	54.2%	100.0%
Total ESTAT	4.9%	7.6%	26.1%	5.8%	55.7%	100.0%
Population 1999 Estimate	11.3%	6.8%	30.4%	0.6%	50.9%	100.0%

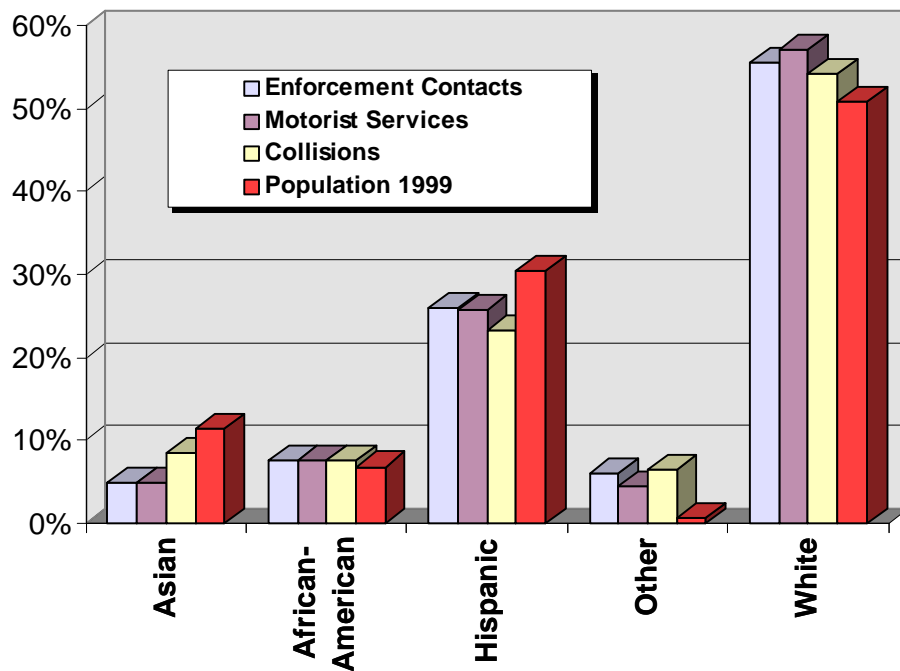
As indicated in Figure 3, Whites and African-Americans were somewhat “overrepresented” in the data, meaning they received more CHP enforcement contacts and motorist services and were involved in more collisions compared to their proportion in the statewide resident population.

For example, DOF estimated that Whites comprised 50.9 percent of the California population in 1999. However, Whites received 55.4 percent of all enforcement actions (1,182,650), 57.2 percent of the motorist services (268,869), and were

involved in 54.2 percent of the collisions (17,314).

African-Americans were estimated to be 6.8 percent of the population in 1999, but received 7.6 percent of the combined enforcement actions (162,492), 7.6 percent of the motorist services (35,598), and were involved in 7.6 percent of the collisions (2,432). Asians and Hispanics, on the other hand, were generally underrepresented in CHP contacts, as compared to the resident population. While Asians made up 11.3 percent of the population

Figure 3  
CHP Contacts by Ethnicity Percentage



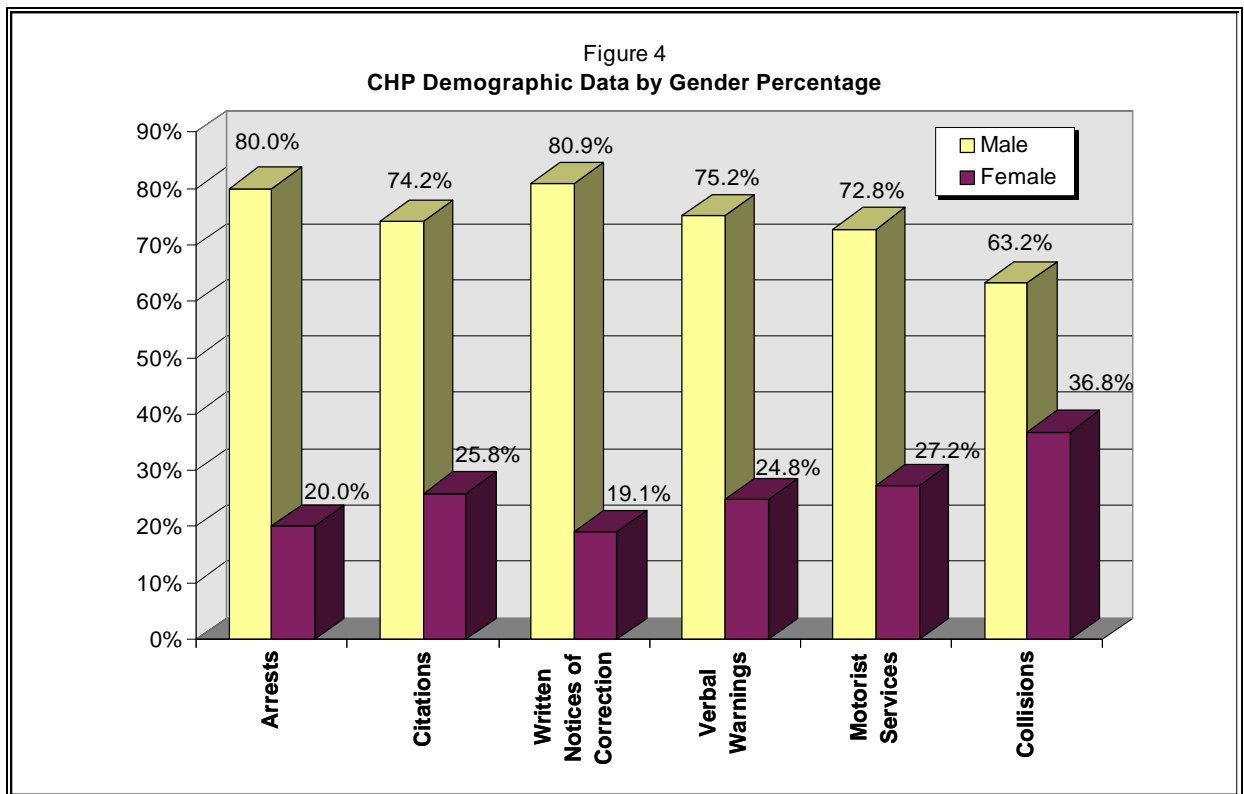
in 1999, they represented only 4.8 percent of the enforcement actions (103,036), were provided 5.0 percent of the motorist services (23,305), and were involved in 8.5 percent of the collisions (2,705).

Hispanics made up 30.4 percent of the population in 1999. However, they received only 26.1 percent of the combined enforcement actions (558,692), were provided 25.8 percent of the motorist services (121,343), and were involved in 23.2 percent of the collisions (7,405).

#### By Gender

Of the 2.6 million contacts, in general, three out of every four contacts were male. As shown in Figure 4, females represented 20 percent of the arrests (15,650), 25.8 percent of the citations (222,796), 19.1 percent of the written Notices to Correct (11,608), 24.8 percent of the verbal warnings (76,434), were provided 27.2 percent of the motorist services (127,799), and were involved in 36.8 percent of the collisions investigated from March 1, 2000, through April 30, 2000, (11,746).





Since about half of all licensed drivers in California are females, males are significantly overrepresented in all types of contacts with CHP officers.

#### By Age

To ease the statistical comparison of age data, age was stratified into six categories: 0 to 14 years, 15 to 24 years, 25 to 32 years, 33 to 39 years, 40 to 48 years, and 49 years or older.

The average age of persons contacted by the CHP was 35.5 years old, with a median age of 34 years, and a mode (i.e., most frequent) age of 30 years. The largest percentage of contacts was made to persons in the 25 to 32 year old

age category, generally followed by 15 to 24 years olds. Table 3 contains tabular age data.

#### Was the Vehicle Searched?

On October 1, 1999, the Department began collecting data for this report from the CHP 415 regarding whether the vehicle was searched as the result of any officer/motorist contact. In addition, General Order 100.39, regarding arrest/investigation reporting requirements, was revised on October 1, 1999, to direct officers to use the CHP 202D, Consent/Cause Search Report, for all consent searches and probable cause searches which were not already documented on

Table 3 CHP Demographic Data by Age Groupings							
Outcome of CHP Contact	0-14	15-24	25-32	33-39	40-48	49+	Total
Arrests	234	18,982	21,100	14,291	13,638	9,824	78,069
Citations	1,613	213,062	214,961	151,921	151,449	129,246	862,252
Written Notices of Correction	65	10,113	14,346	11,917	13,008	11,240	60,689
Verbal Warnings	1,590	56,453	80,659	51,876	62,172	55,351	308,101
Outcome not required prior to 10/1/99	1,948	183,206	210,449	146,568	154,334	130,957	827,462
Total Enforcement Contacts	5,450	481,816	541,515	376,573	394,601	336,618	2,136,573
Motorist Services	2,140	64,078	130,156	74,918	104,480	94,311	470,083
Collisions	497	7,033	7,348	4,787	6,008	6,260	31,933
Total ESTAT	8,087	552,927	679,019	456,278	505,089	437,189	2,638,589

an Arrest Investigation Report. The CHP 202D forms are now being retained for three years to allow follow-up in the case of questions about any search.

For the purposes of this data collection effort, all searches were to be reported except: vehicle inventories conducted to safeguard the property of the vehicle's owner, searches conducted incidental to (after) an arrest, or searches pursuant to a search warrant.

The vehicle searches documented in this report were conducted when there was legal justification, probable cause, consent, a parole or probation Fourth Amendment waiver, or a cursory search for weapons ("Terry" search). For example, an officer conducting a traffic stop might observe a gun or contraband within the vehicle that the driver has unsuccessfully tried to conceal. The officer may then legally search the vehicle. The search may only involve looking under the vehicle's seats or may be more extensive.

It is important to note that the vehicle searches resulting in an arrest were

searches conducted prior to an arrest. Since all arrestees are searched after an arrest, post-arrest searches were not documented. We note that almost 60 percent of the searches meeting the reporting criteria resulted in an arrest. In these cases, officers were finding evidence/contraband which led to the arrest of the driver and/or passenger(s).

For example, an officer might detect the odor of burning marijuana in a vehicle that has been stopped. The officer may legally search that vehicle because probable cause exists to believe there is marijuana in the vehicle. If the officer discovers a pound of marijuana during the search, the driver would be arrested. In the majority of vehicle searches conducted by CHP officers, evidence/contraband was found which led to an arrest.

In some cases, evidence/contraband discovered during a search may result in a citation being issued. For example, an officer might observe an open alcoholic beverage container in a

vehicle during a traffic stop and search the vehicle to recover the container and check for additional containers. The result would be a citation for the open container (assuming the driver was not under the influence, in which case the driver would be arrested). In other cases, the search may not reveal any evidence/contraband and the driver may be cited or given a verbal warning for the violation they were originally stopped for.

A vehicle search was performed in 1.4 percent (23,584) of the 1,729,890 enforcement contacts where searches were documented from October 1, 1999, through April 30, 2000. Of the 23,584 searches performed, 13,577 resulted in an arrest, 5,844 resulted in the issuance of a citation, 2,738 resulted in a verbal warning, and 197 resulted in the issuance of a Notice to Correct, 964 resulted from a motorist service, and 264 from a collision.

Whites represented the largest number of people arrested after a search, followed by Hispanics. Hispanics represented the largest number of people who received a citation or a Notice to Correct after a search. Thus, about 83 percent of all searches resulted in an arrest, citation, or Notice to Correct.

Of the 1.7 million contacts with the public where search data was required to be documented, only 2,738, or .2 percent of CHP contacts (or 11.6 percent of the 23,584 vehicles searched), resulted in a verbal warning. Hispanics were most often represented in searches resulting in a verbal warning. It is not unusual for officers to give a verbal warning rather than a citation for the violation that

brought about the stop after putting a motorist through the stress of a vehicle search and not locating any evidence/contraband.

The remaining 1,228 searches were the result of a motorist service or collision and accounted for 5.2 percent of the total searches.

Finally, regarding searches, the Department's Internal Affairs Section (IAS) uses a database to track citizens' complaints from the public. From October 1999 through April 2000, officers recorded 23,584 searches for inclusion in this report. During that same time period, only nine complaints pertaining to searches were lodged with the CHP. There are two applicable categories of complaints in the IAS database relevant to vehicle searches. One category, "Validity/Search," would be a complaint alleging employee misconduct. There were no complaints in this category. The second category, "Policy/Searches," would be a complaint against the Department's policies where no employee misconduct is alleged. All the complaints were in this category. Both categories include searches of persons, residences, or vehicles. There is not a separate category for vehicle searches.

### Overall Data Assessment

The issue of racial profiling is an important one which all law enforcement agencies must take seriously.

As depicted in Table 2 and Figure 3 on pages 14 and 15, respectively, the overall aggregate results from the CHP's demographic data project show that CHP officers do not employ race/ethnicity as a basis for enforcement stops. Table 2 shows enforcement contacts are proportional to motorist services and collisions. As shown in Figure 3, Hispanics, Asians, and "Others" were underrepresented with regard to the number of enforcement actions taken against them, motorist services provided, and collisions they were involved in, as compared to the resident population. Enforcement contacts for African-Americans were slightly higher than the population but consistent with their proportion of motorist services and collisions. Whites were overrepresented in enforcement contacts, motorist services, and collisions, compared to population.

Males and younger people were contacted for enforcement action more often than females and older people.

Vehicle searches were conducted in 1.4 percent of all the 1.7 million contacts from October 1999 through April 2000. Of the 23,584 searches conducted, 13,577 resulted in the officer finding evidence/contraband and making an arrest. In 5,844 searches, the officer may have found evidence/contraband that supported only the issuance of a citation, e.g., an open alcoholic beverage container, or less than one ounce of marijuana. In 2,935 searches, officers did not find evidence/contraband and gave a verbal warning or Notice to Correct for the original reason for the stop. Keep in mind that there are over

6,000 uniformed CHP members working in field operations.<sup>24</sup> So, on average, over a seven-month period, each CHP uniformed member made less than one-half of a search that did not result in an arrest or citation.

### Data Limitations

The following data limitations may affect the validity of this and future reports:

- Since 1990 U.S. Census data is outdated, statewide population data projections generated by DOF were used in this analysis. Updated U.S. Census figures for 2000 may be available for the second or third demographic data reports.
- It is important to bear in mind that many drivers in CHP jurisdictions are commuters, tourists, or transients who are merely passing through parts of the state. However, DOF county *resident* population projections were used as the primary reference population for statistical comparisons because there is no independent measure of race/ethnicity for the drivers that utilize California's roadways.
- The race/ethnicity of drivers was determined based on the visual observation of CHP officers which may have resulted in some measurement error. The first International Association of Chiefs of Police (IACP) Forum on

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<sup>24</sup> State of California, CHP Monthly Personnel Staffing Report, p.1

Professional Traffic Stops recommended that law enforcement agencies rely on driver licensing agencies to collect and provide race/ethnicity information.<sup>25</sup> This would reduce the potential of misunderstanding by drivers, promote officer welfare and safety, and provide more accurate race/ethnicity data for studies such as this. However, confidentiality issues could be breached by this availability of race/ethnicity data.

### Demographic Data From Other Agencies

In October 1999, the CHP queried 433 California law enforcement agencies regarding their intention to collect demographic data and provide the data for inclusion in the first annual report (Annex F). As of December 1999, 19 agencies had agreed to provide the data (Annex G). In January 2000, in informal telephone communications, 36 additional agencies indicated they would consider providing the data. However, only 16 agencies actually sent the data by the reporting cutoff. Twelve of these were police departments, two were sheriff departments, and two were university police departments. Five additional agencies reported being in the process of collecting the data. Demographic data from allied agencies is contained in Annex H.

## **CONCLUSIONS**

This is the first report in a three-year series. The data collection period started

on July 1, 1999, and ended on April 30, 2000. Although this final report was not due until January 2001, the CHP wanted to examine and make public the data and findings of its enforcement activities as soon as possible.

During this period, over 2.6 million records were collected by the CHP. This data included the collection of race/ethnic, gender, and age-related data on all arrests, citations, written and verbal warnings, motorist services, and collisions. As described in the report, although some of the data collected was implemented in a staggered fashion over the project period, the Department is confident it is a representative sample of contact experience within the CHP's jurisdiction.

The data indicated that there is no verifiable evidence of racial profiling when comparing the race/ethnic proportions of those who received an enforcement contact to their proportion of motorist services and collision involvement. It is very important to understand that in most cases, officers do not know the race/ethnicity of the driver prior to making the decision to implement an enforcement stop, e.g., speed enforcement using CHP aircraft or radar, traffic stops during the hours of darkness, pacing speeding vehicles from the rear, etc.

Demographic data was also received from 16 other California law enforcement agencies. While the data was not analyzed for this report, their submittal indicates that voluntary

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<sup>25</sup> IACP, p 7

gathering of demographic data can foster improved communications with the public, as well as work toward enhancing law enforcement training and procedures.

To conclude, this first-year report was a beneficial self-examination of the CHP's enforcement practices. Even with some of the data limitations referenced in the report, the data indicate the CHP does not use race/ethnicity as a basis for its enforcement contacts. This study provided an opportunity to validate our training. The CHP will continue to ensure that individuals contacted by our officers are treated equitably in all types of contacts and situations.